

**REMARKS****Status of the Claims**

Upon entry of the amendment above, claims 3-35 will remain pending, claims 12, 17, and 31 being independent.

**Summary of the Office Action**

Claims 17, 19-22, 24, and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by KOWATSCH (U.S. Patent No. 4,784,404).

Claims 28 and 29 are rejected under 35 USC §103(a) as being unpatentable over KOWATSCH in view of STEPANEK et al. (U.S. Patent No. 5,501,483, hereinafter "STEPANEK").

**Response to the Office Action**

In Section 10 of the Office action, the Examiner explains that the limitation in independent claim 17, as originally presented, expressed a vertical distance by which the upper surface of the support device and the sole clamp are spaced apart as "between 20 and 28 millimeters."

Further, the Examiner explains that inasmuch as "conventional" ski boots are configured to have a maximum height of 19 millimeters, with a tolerance of  $\pm$  1 millimeter, the lower end of the distance range (viz., 20 millimeters) would be met.

Applicants acknowledge the Examiner's point and submit that it was their intention, consistent with their comments in the previous reply and the intention of Applicants' representative during the interview to limit the invention to be above the standard specified in the *Annual Book of ASTM Standards 2002*, Vol. 15, pp. 234-243 (Designation F 944-97, "Standard Specification for Properties of Adult Alpine Ski Boots"), which is the American version (*i.e.*, and in the English language) of the DIN 7880 standard and, more specifically, the standard DIN 7880 Parts I and II which correspond to the standard ASTM F 944-97.

Accordingly, Applicants have presented an amendment to independent claim 17 to specify that "the upper surface of the support device and the sole clamp [is] spaced apart vertically by a distance within a range of between greater than 20 millimeters to and 28 millimeters."

Therefore, claim 17, as amended, is outside the range of "conventional" boots and their retaining elements (*i.e.*, bindings).

Entry of the amendment and withdrawal of the rejection of claim 17, as well as the rejected claims which depend therefrom, is kindly requested.

**SUMMARY AND CONCLUSION**

The grounds of rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

No fee is believed to be necessitated by this reply/amendment. However, any fees required for acceptance of this reply as timely and/or complete can be charged to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) that would render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,  
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